

## REMARKS/ARGUMENTS

### Claim Rejections Under 35 U.S.C. §102

In the Office Action, Examiner rejects claims 1-9, 11, and 13-18 as under 35 U.S.C. §102(b) as being anticipated by various references. Applicant respectfully submits that the references do not disclose each and every element of the claimed invention. With respect to the Castano-Mears, Metcalfe, and Lohbeck references, Examiner has not clearly explained why each reference is pertinent.

According to 37 C.F.R. §1.104(b)(2):

In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his command. ... The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.

Because the pertinence of the references is not apparent and Examiner does not provide an explanation about why the claims are anticipated, the rejection is improper. In addition, Castano-Mears, Metcalfe, and Lohbeck do not disclose each and every element of claim 1. Specifically, these references do not disclose: (1) each wall layer having a bent configuration in a cross-sectional plane prior to radial expansion of the tubular element and being arranged to deform from the bent configuration to a more stretched configuration upon radial expansion of the tubular element (2) a bonding agent suitable to bond said adjacent wall layers to each other or to bond the tubular element to a wall extending adjacent the tubular element.

Although Examiner does provide an explanation for the pertinence of Endoh, this reference still does not disclose all of the elements of claim 1. Applicant respectfully submits that Endoh fails to disclose each wall layer having a bent configuration in a cross-sectional plane prior to radial expansion of the tubular element and being arranged to deform from the bent configuration to a more stretched configuration upon radial expansion of the tubular element. Examiner points to elements 11 and 1 to be stacked layers; however, these elements are not a bent configuration in a cross-sectional plane. Any bending of elements 11 and 1 is in a parallel, not cross-sectional plane. Additionally elements 11 and 1 are not arranged to deform from the bent configuration to a more stretched configuration upon radial expansion.

The references do not disclose each and every element of claim 1; therefore claim 1 is not anticipated. Claims 2-9, 11, and 13-18 depend from allowable claim 1 and merely add additional elements. For all the foregoing reasons, Applicant respectfully requests that the

rejection of claims 1-9, 11, and 13-18 under 35 U.S.C. §102(b) be withdrawn and the claims formally allowed at this time.

Claim Rejections under 35 U.S.C. §103

In the Office Action, Examiner rejects claims 10 and 19 under 35 U.S.C. §103(a) as being unpatentable over Lohbeck in view of Gilleland. Examiner has failed to provide a prima facie basis for rejection under 35 U.S.C. § 103(a) because the references do not disclose all the limitations of the claimed invention.

MPEP §2143.03 states:

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.

Applicant respectfully submits that the references do not disclose each wall layer having a bent configuration in a cross-sectional plane prior to radial expansion of the tubular element and being arranged to deform from the bent configuration to a more stretched configuration upon radial expansion of the tubular element Lohbeck's failure to disclose this elements is discussed above; Gilleland also fails to disclose this element. Applicant respectfully requests that the rejection of claims 10 and 19 under 35 U.S.C. §103(a) be withdrawn and the claims formally allowed at this time.

Conclusion

Applicant has addressed each and every objection and ground for rejection. The amended claims are patentable over the cited art and Applicant requests that the application be allowed. In the event the Examiner has any questions or there are any issues with respect to the application, the Examiner is invited to call the undersigned at the telephone number below prior to the issuance of any written action.

Respectfully submitted,  
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